

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Skinner
(Principal coauthor: Senator Alquist)
(Coauthor: Assembly Member Wieckowski)

February 17, 2011

An act to add Section 3212.13 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as amended, Skinner. Workers' compensation: hospital employers: presumption.

Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain public employees, the term "injury" includes heart trouble, hernia, pneumonia, meningitis, lower back impairment, and other injuries and diseases.

This bill would provide, with respect to hospital employees who provide direct patient care in an acute care hospital, that the term "injury" includes methicillin-resistant *Staphylococcus aureus* (~~MRSA~~) *skin infection* (*MRSA skin infection*) that develops or manifests itself during the period of the person's employment with the hospital. This

bill would create a presumption that MRSA *skin infection* arises out of and in the course of the person's employment if MRSA *skin infection* develops or manifests as specified. This bill would prohibit attributing MRSA *skin infection* that develops or manifests in those cases to any disease or skin infection existing prior to that development or manifestation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) According to the United States Department of Labor, health
4 care is the second fastest growing sector of the United States
5 economy, employing over 12 million workers. Women represent
6 nearly 80 percent of the health care workforce.

7 (b) By the nature of their profession, health care workers are in
8 constant danger of being directly exposed to many infectious
9 diseases and indirectly exposed through contact with various pieces
10 of equipment, chemicals, and clothing.

11 (c) Registered nurses constitute the largest occupation within
12 the health care sector and number over 2.5 million, of which 70
13 percent are employed in hospitals.

14 (d) Health care acquired infections in California hospitals
15 account for an estimated 200,000 infections and 12,000 deaths
16 annually, according to the State Department of Public Health.

17 (e) According to the Office of Statewide Health Planning and
18 Development, in 2007 there were 52,000 cases of patients infected
19 by methicillin-resistant *Staphylococcus aureus* (MRSA) at hospitals
20 across the state.

21 (f) Public safety employees, such as police officers and
22 firefighters, already have guaranteed access to the workers'
23 compensation system for—~~MRSA~~ *methicillian-resistant*
24 *Staphylococcus aureus skin infection (MRSA skin infection)*, HIV,
25 cancer, leukemia, meningitis, back injuries, and other work-related
26 illnesses and injuries. However, presumptive eligibility for
27 workers' compensation is nonexistent for health care workers.

28 (g) Due to the rise in work-related illnesses and injuries,
29 including MRSA *skin infection*, it is most appropriate to protect

1 health care workers by ensuring access to workers' compensation
2 for health care workers who suffer workplace injuries or contract
3 infectious diseases.

4 SEC. 2. Section 3212.13 is added to the Labor Code, to read:

5 3212.13. (a) In the case of a hospital employee who provides
6 direct patient care in an acute care hospital, referred to in this
7 section as hospital employee, the term "injury," as used in this
8 section, includes methicillin-resistant *Staphylococcus aureus*
9 ~~(MRSA)~~ *skin infection (MRSA skin infection)* which develops or
10 manifests itself during a period of the person's employment with
11 the hospital. The compensation awarded for that injury shall include
12 full hospital, surgical, medical treatment, disability indemnity, and
13 death benefits, as provided by this division.

14 (b) (1) ~~MRSA~~ *which skin infection that* develops or manifests
15 itself shall be presumed to arise out of and in the course of
16 employment. This presumption is disputable and may be
17 controverted by other evidence, but unless other evidence is
18 controverted, the ~~presumptions~~ *presumption* shall prevail.

19 (2) The *MRSA skin infection* presumption shall be extended to
20 a hospital employee following termination of service for a period
21 of 60 days, commencing with the last date actually worked.

22 (c) *MRSA skin infection* that develops or manifests itself in
23 circumstances described in subdivision (b) shall not be attributed
24 to any disease or skin infection existing prior to that development
25 or manifestation.

26 (d) For the purposes of this section, "acute care hospital" means
27 a health facility as defined in subdivision (a) or (b) of Section 1250
28 of the Health and Safety Code.